

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JIMMY DEE SMILEY,

Defendant/Movant,

V.

UNITED STATES OF AMERICA


Respondent.

Case No. 2:09-cv-8020-LSC-JEO
2:08-cr-0390-LSC-JEO

ORDER

In accordance with the Memorandum Opinion entered contemporaneously herewith, the defendant's motion to vacate, set aside, or correct his conviction and sentence under 28 U.S.C. § 2255 (doc. 1)¹ and his motion for an out-of-time appeal (08-0390 doc. 33)² are **DENIED and DISMISSED**.

Done this 24th day of May 2011.


L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

¹References herein to “Doc. ” are to the document numbers assigned by the Clerk of the Court.

²References herein to “08-0390 Doc. ____” are to the document numbers assigned by the Clerk of the Court in the defendant’s original criminal case (*United States v. Jimmy Dee Smiley*, 2:08-cr-00390-LSC-JEO).